

AMENDED IN SENATE AUGUST 8, 2000

AMENDED IN ASSEMBLY MAY 18, 2000

AMENDED IN ASSEMBLY MAY 15, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2479

Introduced by Assembly Member Kuehl

February 24, 2000

An act to add Section 597.2 to the Penal Code, relating to cruelty to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2479, as amended, Kuehl. Cruelty to animals.

Existing law punishes every person who mistreats, injures, or causes the death of any animal, as specified. Existing law makes it a misdemeanor for any person who operates a pet shop, as defined, to fail to maintain the premises and pet animals in a designated manner.

This bill would require any person who operates a live animal market, as defined, to treat the animals that are sold for human consumption in accordance with various requirements. This bill would provide that any person who fails to comply with these provisions shall first receive a *written* warning, ~~with~~ a 2nd and subsequent violation ~~being~~ *would be* an infraction, ~~subject to punishable by~~ a fine of not less than \$250 and not more than \$1,000. *However, a fine paid for a 2nd violation would be refunded to the person upon successful completion of coursework administered by a state*

or local agency on the state law and local ordinances relating to live animal markets. Because it creates a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597.2 is added to the Penal Code,
2 to read:

3 597.2. (a) Every person who operates a live animal
4 market shall do all of the following:

5 (1) Provide that no animal will be dismembered,
6 flayed, cut open, or have its skin, scales, feathers, or shell
7 removed while the animal is still alive.

8 (2) Provide that no live animals will be confined, held,
9 or displayed in a manner that results, or is likely to result,
10 in injury, starvation, dehydration, or suffocation.

11 (b) As used in this section:

12 (1) “Animal” means frogs, turtles, and birds sold for
13 the purpose of human consumption, with the exception
14 of poultry.

15 (2) “Live animal market” means a retail food market
16 where, in the regular course of business, animals are
17 stored alive and sold to consumers for the purpose of
18 human consumption.

19 (c) Any person who fails to comply with any
20 requirement of subdivision (a) shall ~~first receive a~~
21 ~~warning, with a second and subsequent violation being~~
22 ~~for the first violation, be given a written warning in a~~
23 ~~written language that is understood by the person~~
24 ~~receiving the warning. A second or subsequent violation~~
25 ~~of subdivision (a) shall be an infraction, punishable by a~~
26 fine of not less than two hundred fifty dollars (\$250), nor

1 more than one thousand dollars (\$1,000). *However, a fine*
2 *paid for a second violation of subdivision (a) shall be*
3 *refunded to the person only upon successful completion*
4 *by that person of coursework administered by a state or*
5 *local agency on state law and local ordinances relating to*
6 *live animal markets.*

7 SEC. 2. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

